

Chapter 6

A Cooperative Approach to Improving Water Quality

Water Quality Partners: Working with Local, State, Tribal, and Federal Agencies

The complexities of Washington environments and the mandates of the various entities to protect water quality and other resources are many. Even though agencies have individual mandates, it is imperative that these entities work together to solve water quality problems. Many of the programs identified in this plan call for joint efforts. This chapter details both the individual nature of the agencies, as well as the reason a unified approach is necessary.

Local Governments

Many State laws are implemented by local governments, with State agencies in an oversight and/or support role. With regard to the environment, local governments and special districts have primary authority or major implementation efforts in:

- solid waste management
- growth management and land use
- stream restoration and rehabilitation
- sewage systems, both on- and off-site
- road construction and maintenance
- shorelands management
- stormwater management
- provision of drinking water
- used oil and household toxics
- irrigation water and return flows

The three basic forms of local government in Washington State are:

1. Counties
2. Cities
3. Special purpose districts

The 39 counties of Washington were established by acts of the legislature, and are considered subdivisions of State government. Basically, the county was designed to serve as an administrative unit of the State in rural areas. The same holds true for cities and special purpose districts. As subdivisions of State government, all three are called upon to implement State legislative mandates.

Prior to 1960, several types of districts were formed to help with environmental protection:

- conservation districts
- health districts
- water districts
- sewer districts
- public utility districts

Since 1960, many new types of special purpose districts have been authorized by the legislature, especially with regard to environmental protection. These new environmentally-oriented districts include:

- ground water protection districts
- lake protection districts
- shellfish protection districts
- solid waste management districts

State Agencies

Washington's constitution divides State government into three branches: the executive, the legislative, and the judicial. However, the structure of each of these branches is distinct from the federal model in many ways. Probably the most significant difference is in the executive branch, which actually consists of nine elected officials. Although the Governor is considered chief executive, he does not have authority over the other eight elected officials. The other positions with elected executive officers are:

Lieutenant Governor	Secretary of State
State Auditor	State Treasurer
Attorney General	Commissioner of Public Lands (DNR)
Superintendent of Public Instruction	Insurance Commissioner

As another limitation, the Governor does not appoint all State agency executives. Many of these are appointed by independent commissions. Some of the areas of government or agencies with commission-appointed executives include:

Conservation Commission	Transportation
Fish and Wildlife	Universities and Colleges
Outdoor Recreation	Utilities and Transportation
Parks and Recreation	

These commissions, including the Commissioner of Public Lands, have an impact on the State's natural resources, and specifically on nonpoint pollution, but are not accountable to the Governor. The Directors of Ecology, Department of Agriculture and the Puget Sound Action Team are the only resource agencies reporting to the Governor. All these

agencies are under close scrutiny by the public through the Public Disclosure Commission.

The greatest impact from State agencies on public policy is from regulations they promulgate, their technical assistance programs, and from the grants of legislatively-appropriated money that they award, to carry out tasks mandated by statutes.

Grants

Grant programs related to the environment include:

- Centennial Clean Water for projects aimed at improved water quality, including the construction of sewage treatment plants and the control of nonpoint pollution
- Local Toxics (Coordinated Prevention Grants) for solid and hazardous waste management
- Jobs for the Environment (administered by DNR) and Fisher Habitat Grants (administered by the Conservation Commission) for stream restoration projects
- Watershed Planning Grants for watershed planning and implementation

Grants to businesses, individuals, and non-profit organizations, as opposed to public entities, are limited by both the State constitution and various statutes. State agencies can use this “carrot and stick” approach to achieve compliance with State law by local governments.

Technical Assistance

State agencies provide technical assistance to local governments, tribes, and to each other in the implementation of environmental programs. Many agencies have extensive programs which provide in-kind technical assistance. In some cases, they must provide technical assistance before taking an enforcement action.

Enforcement

Washington has actively sought delegation to implement federal programs and legislation from the federal government in an effort to maintain State control of resource management concerns. Examples include the Federal Clean Water and Safe Drinking Water Acts. Enforcement is used by several agencies and by local governments to ensure compliance with water quality regulations. Though many programs are voluntary in nature, there is a need to have a regulatory backstop to encourage those who are not complying with basic requirements of environmental protection.

Washington State Tribes

Under treaties signed with the US Government, many tribes in Washington State have retained rights to fish, hunt, and gather on and off reservations lands. These off-reservation lands are considered the tribes' usual and accustomed (U&A) lands. Thus, the tribes have direct management concerns with the preservation and maintenance of fisheries, wildlife habitat, and water quality in those off-reservation ceded lands.

The State and federal agencies are bound under the Supremacy Clause of the Constitution of the United States, Article VI, Clause 2 to observe and carry out the provisions of the treaties of the United States.

Since there is a common concern of the tribes and agencies for the protection and preservation of the natural environment in Washington, a Coordinated Tribal Water Quality Program was established that gives tribes a strong say in how water quality will be managed. Tribes are involved with TMDL studies, the 303(d) listing process, and watershed planning at the local level.

In 1989, the 26 federally-recognized Indian tribes in Washington and the Governor signed the Centennial Accord "to better achieve mutual goals through improved relationships between their sovereign governments." The accord is intended to build confidence among parties in a government-to-government relationship by outlining a process for implementing the accord. It has improved coordination and communication through education and protocols, and has been particularly important in issues related to water quality, water use, and salmon restoration.

Federal Agencies

There are many federal agencies in Washington that operate with different mandates and responsibilities. This is in large part due to the diversity and complexity of Washington's natural environment.

For example, the strategic location of the Puget Sound region makes it an ideal home for several military installations such as Fort Lewis, Puget Sound Naval Shipyard, Bangor submarine base, and Whidbey Island Naval Air Station. The Puget Sound region is surrounded by US Forest Service lands and the Olympic National Park.

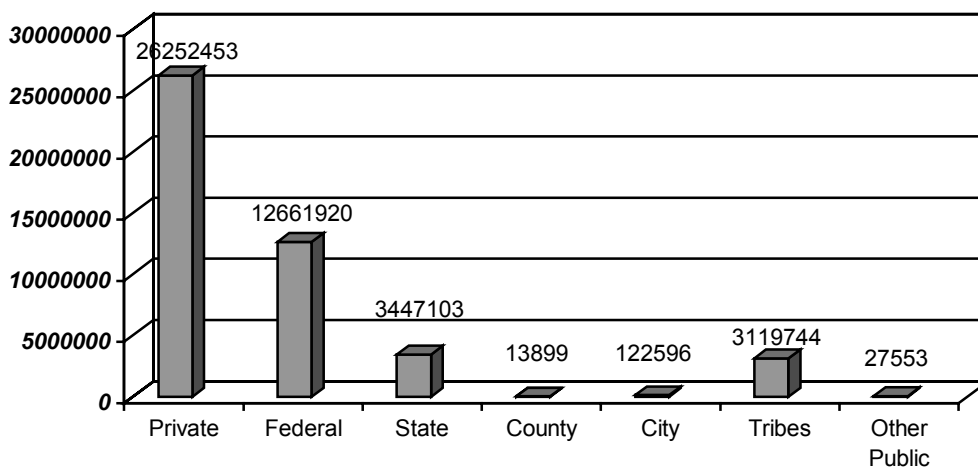
The Palouse region of eastern Washington is the home of some of the most productive non-irrigated agricultural lands found anywhere in the United States. These lands are in close proximity to the Snake and Columbia rivers. Interested federal agencies are the Natural Resource Conservation Service (NRCS), Farm Service Agency (FSA), The Bureau of Reclamation, Bonneville Power Administration (BPA), and the Army Corps of Engineers (COE).

The Yakima Valley is another good example of federal agency presence. Not only are NRCS and FSA actively engaged with agricultural activities, the Bureau of Reclamation

(BOR), the Corps of Engineers, and Bonneville Power all have responsible roles and mandates. In addition, the US Army's Yakima Firing Range is one of the largest military bases in the United States.

These are a few examples of the roles federal agencies play in using and managing State lands. Federal agencies are the second largest group of landowners in the state (next to private individuals) -- and a major source of funding for cost share and restoration efforts. The total acreage of the state is 45,645,269 acres. The following figure shows overall land ownership, and thus the important role federal agencies have in protecting Washington's environment.

Figure 6.1
Land Ownership in Washington State



List of Federal Agencies and Responsibilities

Many federal agencies in Washington State either contribute to nonpoint source pollution, or help control nonpoint source pollution through their water quality programs – or both.

- US Forest Service - USFS has large holdings in the state, and participates in the Timber, Fish, and Wildlife forum.
- Bureau of Land Management - BLM has relatively small holdings within the state on which grazing activities occur.
- Department of Energy - DOE manages the Hanford Reservation and key hydroelectric dams.
- Department of Defense - DOD has several bases in Washington, due to the strategic location of the state and its access to the Pacific Rim.

- Army Corps of Engineers - COE is responsible for maintenance of harbors and navigable waterways and wetlands management. COE operates and maintains many large dams along the Columbia and Snake Rivers.
- Bureau of Reclamation - BOR owns and manages hundreds of miles of irrigation canals in eastern Washington.
- Natural Resource Conservation Service - NRCS provides financial and technical assistance to landowners in developing and implementing conservation practices.
- The National Park Service - NPS owns thousands of acres of parkland, including Mt. Rainer National Park, Olympic National Park, and North Cascades National Park.
- National Marine Fisheries Service - NMFS oversees the status of endangered fish species.
- Federal Highway Administration - FHA has hundreds of miles of highways in Washington State.
- Bonneville Power - BPA controls numerous dams along the Columbia and Snake Rivers.
- Geological Survey - USGS routinely monitors both surface and ground water through their National Water Quality Assessment Program.
- Fish and Wildlife Service - FWS is responsible for habitat conditions related to the health and well-being of fish and wildlife. FWS works to protect ESA-listed resident fish such as bull trout and cutthroat trout.

Chapter 11, Federal Consistency, details the process by which federal agencies will be involved in the State's nonpoint management plan. Ultimately, federal agencies will be called upon to support State efforts by implementing their programs in a manner consistent with Washington State goals and objectives.

Matrix of Agency Responsibility

State, Federal and Other Selected Agencies

This matrix of agency responsibility shows programs and activities that each agency actively implements to control nonpoint sources of pollution. It is an important tool in trying to understand the range of nonpoint source control activities, overlaps in responsibility, and where management gaps occur.

Table 6.1
Matrix of Agency Responsibility

Nonpoint Category	Agriculture	Forestry	Urban	Recreation	Hydromod	Loss of Aquatic Ecosystems	Other Activities
State Agencies							
WSDA	Pesticide use licensing and containment, Chemigation and Fertigation; Promotes watershed stewardship; Collects unusable pesticides from farmers	Pesticide use	Pesticide use, Home-to-Ocean, Pest Control			Spartina and Purple loosestrife control	
CTED	GMA development guidelines and technical assistance		GMA development guidelines and technical assistance			GMA development guidelines and technical assistance; critical areas designation	
CC	Technical assistance; Grants to CDs; Facilitates local/State/federal partnerships	Technical assistance, grants to CDs					
CRAB			Technical assistance to counties on transportation issues				
DOH	Pesticides		On-site sewage standards; evaluates new technologies for on-site sewage		Sewage		
ECY	Implements Dairy Nutrient Management Act; Pesticides; Water rights; Enforcement; Technical assistance; funding; assistance for air quality issues	Rule development; Wetlands policy; Landscape TMDLs; Small landowners assistance; shoreline management, smoke management planning	Erosion control, Pollution prevention, Runoff; Funding on-site sewage programs; air quality of sediments on roads, highways, and bridges	Reviews facilities siting	Conducts 401 certifications; Oversees the shoreline management act; Regulates dam construction	Statewide wetland policy; Technical assistance; Lake restoration funding; Aquatic pesticide control	State NPS Management Plan development and oversight, Education and outreach, Monitoring, TMDL development, Volunteer support,

							Grants and loans.
WDFW	Technical assistance on habitat issues; HPA enforcement; assists with riparian standards	Consultation; HPA issuance and enforcement	HPA	HPA	HPA issuance and enforcement, In-stream habitat	Mitigation, Enhancement, funding	
IAC				Off-road vehicle policy, funding			Salmon recovery funding
PSWQAT	PS Plan to control ag source pollution through 400-12 planning and elements of the Agriculture Program of the Puget Sound Plan	PS Plan to address forest practices through local 400-12 planning	Maintains and updates policies for on-site sewage, shellfish, and stormwater planning in Puget Sound; facilitates tech assistance to locals		Maintains and updates policies on wetlands and habitat protection for Puget Sound; facilitates tech assistance to locals	Maintains and updates policies on wetlands and habitat protection for Puget Sound; facilitates tech assistance to locals	
DNR	Grazing	Issues forest practices permits; Enforces forest practice rules; Carries out watershed analysis; Educates forest landowners; provides forest management assistance to communities		Trails	Riparian Habitat	Wetlands mitigation	
Parks	Grazing, Weed Management	Arbor Crew	Runoff, On-site	Sewage, access, marinas	Shoreline access, Riparian habitat	Mitigation	
CE	Water Quality education, BMP education; develops new BMPs	BMP education to small, non-industrial landowners	Home-a-syst; landscape and residential BMPs; provides educational outreach to general public			BMP education	
WSDOT			Roads, bridges, runoff			Mitigation	
Federal Agencies							
USFS	Harvest, Roads, Runoff	Watershed analysis on federal forestlands; financial assistance to small non-industrial forest landowners		Off-road	Habitat	Protection	
NRCS	Technical assistance;	Technical assistance				Protection	

	funding; Implements federal conservation programs	to small non-industrial landowners					
FWS						Protection	
BPA	Irrigation				Dams		
NPS				On-site, Runoff			
FHA			Roads, highways, bridges			Mitigation	
DOD	Harvest		Runoff, Construction	Marinas, boats			
COE					Issues permits for dredging and filling; Provides funding for restoration; Addresses habitat issues	Mitigation, Protection	
USGS	Monitors		Monitors				
NMFS	Consultation	Consultation	Consultation		Consultation		
BLM	Grazing	Harvest					
EPA	Columbia Basin Initiative	TMDLs	Urban Pesticide Initiative		Floodplain Restoration		
Local Govts							
Cities	GMA	Urban forestry	Runoff, Construction, Development		Shoreline Master Program	Critical Areas, Shoreline Master Program	
Counties	GMA; Addresses issues related to public health	Forest land conversions	Runoff		Shoreline master Program	Critical Areas, Shoreline Master Program	NPS education programs, TMDL development, Monitoring, salmon recovery, volunteer coordination
Special Districts	Technical assistance	Technical assistance					